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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores., *et al.*,
Plaintiffs,
v.
William Barr, Attorney General of the
United States, *et al.*,
Defendants.

Case No. CV 85-4544-DMG-AGR_x

JOINT STATUS REPORT

Hearing: None set

[HON. DOLLY M. GEE]

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Joint Status Report

On June 26, 2019, Plaintiffs filed an *Ex Parte* Application for a Temporary Restraining Order and an Order to Show Cause Why a Preliminary Injunction and Contempt Order Should Not Issue (“*Ex Parte* Application”). [Doc. # 572.]

On June 27, 2019, Defendants filed an Opposition, wherein they requested that the Court deny the request for a temporary restraining order, and set a schedule for briefing these issues that provided Defendants with a full and fair opportunity to respond to the allegations that Plaintiffs lodged against them, or to order the parties to engage in an expedited mediation process in front of the Monitor to address Plaintiffs' concerns. Opposition at 5–6 [Doc. # 574.]

On June 28, 2019, this Court issued its In Chambers - Order re Plaintiffs' *Ex Parte* Application for a Temporary Restraining Order and an Order to Show Cause Why a Preliminary Injunction and Contempt Order Should Not Issue ("June 28, 2019 Order"). [Doc. # 576.] The June 28, 2019 Order refers the issues in the *Ex Parte* Application for expedited mediation before the *Flores* Monitor. *Id.* at 3. The Order also required that by July 12, 2019, the parties shall file a joint status report "regarding their mediation efforts and what has been done to address post haste the conditions described in the *Ex Parte* Application." *Id.*

Further, on July 8, 2019, the Court issued an order by agreement of the parties authorizing the appointment of Dr. Wise as the Monitor's expert. [Doc. #

1 591.] The Notice sets the following terms and conditions of Dr. Wise's
2 appointment:

3 [T]he Expert will consult with and assist the Monitor in assessing child
4 health and safety conditions in facilities operated by Customs and Border
5 Protection (CBP) and Office of Refugee Resettlement (ORR). The Expert
6 will advise the Monitor on any remedial steps necessary to bring the
7 conditions of custody and systems of child health care into compliance with
8 the law and the Flores Settlement Agreement (FSA).

9 The Expert will assess the health conditions of minors in custody of CBP and
10 ORR and will, among other things, review and assess demographic and
11 programmatic data, standards and protocols for child health and safety, and
12 medical records of children in custody of CBP and ORR. The Expert will
13 conduct facility inspections, interviews with children and parents in the
14 custody of CBP and ORR, and meet with responsible Department of
15 Homeland Security and Department of Health and Human Services officials
16 and relevant experts and professional organizations.

17 *Id.* at 2.

18 As previously reported, on July 10, 2019, the parties engaged in good faith
19 mediation conducted by the Monitor. [Doc.# 599]. Dr. Wise was present after
20 conducting his first visit to the Rio Grande Valley (RGV) Sector. Present for
21 Plaintiffs were counsel for Plaintiffs and certain of Plaintiffs' experts. Present on

1 behalf of Defendants were Defendants' counsel, agency counsel, Dr. David
2 Tarantino, CBP's Senior Medical Advisor, Henry Moak, CBP's Juvenile
3 Coordinator, and representatives from U.S. Border Patrol.

4
5 On August 16, 2019, Dr. Paul Wise's 56-page draft Interim Report was
6 circulated to all parties by the Monitor. All parties timely submitted comments to
7 Dr. Wise's draft Interim Report.

8
9 On September 6, 2019, the Monitor provided the Parties with Dr. Wise's
10 final Interim Report. Dr. Wise considered the comments provided by all parties in
11 the final Interim Report. Dr. Wise also provided specific explanatory responses to
12 the comments received from Plaintiffs, CBP, and HHS.

13
14 On September 11, 2019, the Parties met and conferred in good faith
15 mediation conducted in Los Angeles and overseen by the Monitor serving as
16 mediator. Dr. Paul Wise was present throughout the mediation. All Parties appeared
17 with counsel and experts.

18
19 The Parties, Dr. Wise, and the Monitor agreed that Dr. Wise would continue
20 his review and prior to the next scheduled mediation prepare a more detailed set of
21 recommendations on the issues Dr. Wise previously addressed in his report, the
22 Monitor would provide the Parties with copies of Dr. Wise's recommendations, and
23 the Parties would meet for mediation in Los Angeles on October 17, 2019 to
24 discuss these more detailed recommendations.

1 Pursuant to the agreements mentioned in the previous paragraph, Dr. Wise
 2 continued his review and prepared more detailed recommendations covering a
 3 number of the topics under discussion between the parties. |

Commented [SBFI]: I don't think it's appropriate to get into
 the specifics of the topics we are discussing in mediation.

5 The Monitor provided the Parties with copies of Dr. Wise's
 6 recommendations, and on October 17, 2019, the parties met and conferred in good
 7 faith mediation conducted in Los Angeles and overseen by the Monitor serving as
 8 mediator to discuss these more detailed recommendations. Dr. Paul Wise was
 9 present throughout the mediation. All Parties appeared with counsel and experts.
 10
 11 The parties believe progress towards a settlement was made at this mediation.

13 The parties agreed that by November 22, 2019, Defendants shall submit to
 14 the Monitor and serve on Plaintiffs a written proposal for settlement of the *Ex Parte*
 15 Application taking into account Dr. Wise's reports and issues discussed at the
 16 mediation.

18 The parties agreed that by December 11, 2019, Plaintiffs will file with the
 19 Monitor and serve on Defendants a written response to Defendants' proposals for
 20 settlement of the *Ex Parte* Application.

22 The parties agreed that on January 14, 2020, at 9 AM, they will meet with the
 23 Monitor for mediation in Los Angeles to discuss their proposals for settlement of
 24 the *Ex Parte* Application.

26 The parties agreed that the Monitor will continue to perform her ongoing
 27 responsibilities throughout this period.

Respectfully submitted,

Dated: October 24, 2019

/s/Peter Schey
Class Counsel for Plaintiffs
CENTER FOR HUMAN RIGHTS &
CONSTITUTIONAL LAW
Peter A. Schey
Carlos Holguín
Rachel Leach

/s/ Sarah Fabian
Counsel for Defendants
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District Court Section

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CERTIFICATE OF SERVICE

I, Peter Schey, declare and say as follows:

I am over the age of eighteen years of age and am not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 256 S. Occidental Blvd., Los Angeles, CA 90057, in said county and state.

On October 24, 2019 I electronically filed the following document(s):

JOINT STATUS REPORT

with the United States District Court, Central District of California by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/Peter Schey
Attorney for Plaintiffs